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IDAHO PUBLIC UTILITIES COMMISSION

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July 18, 2012

VIA UPS OVERNIGHT

Ms. Jean Jewell, Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
P.O. Box 83720
Boise, ID 83720

Re: Application of Cricket Communications, Inc. to Amend Its Designation as an Eligible
Telecommunications Carrier
Case No. CRI-T-11-01

Dear Ms. Jewell:

On behalf of Cricket Communications, Inc., enclosed please find the Application of Cricket Communications, Inc. to Amend Its Designation as an Eligible Telecommunications Carrier. The Application contains Exhibits A, B and C.

Enclosed for filing is the original Application, seven (7) copies, and a Stamp and Return copy. Please acknowledge receipt by date-stamping the extra copy and returning it to us in the self-addressed stamped envelope provided.

Should you have any questions about this filing, please contact me.

Very truly yours,

Davis Wright Tremaine LLP

Alan J. Galloway

AJG:cap
Enclosures

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IDAHO PUBLIC UTILITIES COMMISSION

Attorneys for Cricket Communications, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of)	Case No. CRI-T-11-01
)	
Cricket Communications, Inc.)	APPLICATION OF CRICKET
)	COMMUNICATIONS, INC. TO
to Amend Its Designation as an Eligible)	AMEND ITS DESIGNATION AS AN
Telecommunications Carrier)	ELIGIBLE TELECOMMUNICATIONS
)	CARRIER

Pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the "Act"), and the requirements of the Idaho Public Utilities Commission ("Commission"),¹ Cricket Communications, Inc. ("Cricket") respectfully submits this Application to Amend Designation as an Eligible Telecommunications Carrier ("ETC"). Cricket was designated an ETC in certain areas in Idaho earlier in 2012,² and continues to expand its coverage area and facilities. Accordingly, Cricket asks the Commission to expand its ETC designation area to allow Cricket to offer affordable advanced telecommunications services to low-income Idaho customers outside the current designation area, utilizing support from the federal Lifeline program of the federal Universal

¹ See *In the Matter of the Application of WWC Holding Co., Inc. dba CellularOne Seeking Designation as an Eligible Telecommunications Carrier That May Receive Federal Universal Service Support*, Order No. 29841, App. pp. 1-3, IPUC Case No. WST-T-05-1 (served August 4, 2005) (hereinafter "*IPUC ETC Requirements Order*").

² *In the Matter of the Application of Cricket Communications, Inc. for Designation as an Eligible Telecommunications Carrier*, Case No. CRI-T-11-01, Order No. 32501 (served March 27, 2012) (hereinafter "*Cricket ETC Designation Order*").

APPL. OF CRICKET COMMUNICATIONS, INC. TO AMEND ITS ETC DESIGNATION
PAGE 1

Service Fund (“USF”). Granting this Application would serve the public interest because it would enable Cricket to expand the availability of innovative telecommunications services at discounted prices to low-income residents of Idaho, thereby directly advancing the goals of universal service.

In support of this Application, the following is respectfully shown:

I. CRICKET AND ITS EXISTING ETC DESIGNATION

Cricket is a facilities-based carrier that provides digital wireless services on a common carrier basis, primarily using its own state-of-the-art facilities. Directly and through its affiliates, Cricket currently serves approximately 6.2 million customers in 34 states and the District of Columbia. Cricket offers customers the benefits of unlimited calling at flat rates, without requiring fixed-term contracts or credit checks.

Per the Commission’s Order No. 32501, Cricket is already designated an ETC in the areas of Idaho identified in attached Exhibit A.

II. CRICKET’S PROPOSED AMENDED DESIGNATION WOULD CONTINUE TO SATISFY ALL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

Cricket seeks additional designation as an ETC in the service areas indicated in attached Exhibit A, excluding any portions of said areas on tribal lands. With respect to the amended designated area, Cricket will continue to satisfy each of the statutory and regulatory requirements for ETC designation set forth in the Act,³ the FCC’s Rules⁴, Idaho statutes, and the Commission’s rules.⁵ In particular, Cricket:

- A. is a common carrier [*see* 47 U.S.C. §§ 153(10), 214(e)(1), and 214(e)(6); 47 C.F.R. § 54.201(d)];

³ 47 U.S.C. § 214(e)(1)-(2).

⁴ 47 C.F.R. § 54.201.

⁵ *See IPUC ETC Requirements Order.*

- B. offers the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) [*see* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- C. will use its own facilities primarily to provide the supported services [*see* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- D. will provide the supported services throughout its designated service area, including responses to requests for new service in compliance with state and federal rules [*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. §§ 54.405, 54.201(d); *IPUC ETC Requirements Order*, App., at 2];
- E. will advertise the availability and cost of its universal service offerings using media of general distribution, specifically publicizing the availability of Lifeline service [*see* 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2); *IPUC ETC Requirements Order*, App., at 1];
- F. will comply with tribal notification requirements [*IPUC ETC Requirements Order*, App., at 2];⁶
- G. is able to remain functional in emergencies [*IPUC ETC Requirements Order*, App., at 3];
- H. is committed to consumer protection and service, including the CTIA Code [*IPUC ETC Requirements Order*, App., at 3];
- I. will offer local usage plans, described herein, that compare favorably to those of incumbent Local Exchange Carriers (“ILECs”) [*IPUC ETC Requirements Order*, App., at 3];
- J. need not file inapplicable network improvement plans and progress reports because Cricket does not seek high-cost support;
- K. demonstrates herein that ETC designation is consistent with the public interest, convenience, and necessity, and further that the public interest is met by designation of Cricket in the designated service area [*IPUC ETC Requirements Order*, App., at 2]; and

⁶ As explained in Cricket’s ETC application in docket CRI-T-11-01, although Cricket’s service area may overlap a portion of the Coeur d’Alene Indian Reservation, Cricket does not seek designation on tribal lands, will not offer Lifeline service on tribal lands or direct advertising to tribal lands, and will make reasonable efforts to avoid enrolling customers on tribal lands. Accordingly, Cricket believes that no further action is needed to comply with the tribal notification requirements set out in the *IPUC ETC Requirements Order*, which requires notification only for an ETC applicant “seeking ETC designation for any part of tribal lands....” *IPUC ETC Requirements Order*, at 16.

- L. will continue to collect and remit applicable ITSAP and E-911 fees in accordance with Idaho law [*see* Idaho Code §§ 56-904 and 31-4804].

In February 2012, the Federal Communications Commission (“FCC”) granted Cricket forbearance from the service area conformance requirement of section 214(e)(6) of the Act and section 54.207(b) of the FCC rules.⁷ Subsequently, after the Commission’s approval of Cricket’s ETC application, the FCC approved Cricket’s compliance plan.⁸ In light of the FCC’s forbearance order and subsequent approval of Cricket’s compliance plan, Cricket is eligible for Lifeline-only ETC designation in service areas that do not conform to that of an underlying rural telephone company study area. Exhibit B depicts Crickets’ proposed additions to its designated ETC area and Cricket’s corresponding coverage.

III. AMENDING CRICKET’S DESIGNATION WOULD NOT ONLY BE CONSISTENT WITH, BUT WOULD ADVANCE SERVE THE PUBLIC INTEREST.

Under this Commission’s rules, ETC applicants must demonstrate that designation is consistent with the public interest, convenience, and necessity in the case of non-rural areas, and that the public interest will be met by an additional designation in rural areas.⁹ Factors to be considered include, without limitation, “the benefits to consumer choice, the unique advantages and disadvantages of the applicant’s service offering, and where applicable, consideration of cream skimming.”¹⁰ With respect to these criteria, the same analysis under which the Commission

⁷ *In the Matter of Telecommunications Carriers Eligible for Universal Service Support, Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, DA-158, 26 FCC Rcd at 13723, 13726-27, ¶¶ 1, 9 (released Feb. 7, 2012); *see* 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b). Those provisions generally require that, in the case of an area served by a rural telephone company, a competitive ETC’s service area must be defined as the rural telephone company’s “study area” unless the study area has been redefined by the FCC and the Commission.

⁸ *In the Matter of Telecommunications Carriers Eligible for Universal Service Support, Amended Petition of Cricket Communications, Inc. for Designation as an Eligible Telecommunication Carrier*, WC Docket No. 09-197, DA 12-934 (rel. June 13, 2012). In any case, Cricket’s FCC compliance plan approval, discussed herein, eliminates the need for any such analysis.

⁹ *IPUC ETC Requirements Order*, at 14.

¹⁰ *Id.* Because Cricket is not applying for high-cost universal service, no cream skimming analysis is warranted. *See In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45,

recently granted ETC designation still applies. Cricket's amended designation – like its original designation – is in the public interest because it would increase the choice of discounted plans available to low-income consumer in the newly designated areas. Cricket's Lifeline plans offer a unique mix of affordability, unlimited nationwide calling, and available advanced features. Cricket's currently available calling plans in Idaho are described in Exhibit C. Cricket makes the Lifeline discount available to qualified customers on all of these calling plans.

In Order No. 32501, the Commission approved Cricket's ETC application.¹¹ Then, the Commission stated:

“We find that designating Cricket as an ETC in the requested service areas is consistent with ‘the public interest, convenience, and necessity.’ The Commission believes that granting ETC status to Cricket ‘will benefit consumers by offering services of another competitor and may be beneficial to eligible recipients of Idaho’s Telecommunications Service.’¹²

The Commission further found that “the public interest will be served by designating Cricket as an ETC for both the non-rural and rural wire centers currently being served by ILECs.”¹³ With respect to the FCC forbearance, the Commission noted that “Cricket has adequately demonstrated that it is in compliance with or validly exempt, pursuant to its FCC Forbearance Order, from the specific Idaho ETC requirements more fully described in Order No. 20841 [the *IPUC ETC Requirements Order*] at 21, Appendix 1.”¹⁴

Since Cricket launched its Lifeline services in Idaho, low-income consumers in Cricket's existing designated area have gained from increased consumer choice, Cricket's state-of-the-art facilities, and calling plans that combine unlimited nationwide calling and advanced features for as

Order 09-18, ¶ 39 n. 101 (March 5, 2009) (explaining that “we need not perform a creamskimming analysis because Virgin Mobile is seeking eligibility for Lifeline support only”) (hereinafter “*Virgin Mobile Order*”).

¹¹ *Cricket ETC Designation Order*, at 4.

¹² *Cricket ETC Designation Order*, at 3, citations omitted.

¹³ *Id.*

¹⁴ *Id.*

little as \$21.50 per month, after discounts. Consumers in the proposed expanded area should be allowed to reap the same benefits.

ANNUAL RECERTIFICATION PROCESS

Cricket will continue to comply with the applicable annual certification requirements adopted by the Commission's *ETC Requirements Order*.

LEGAL AUTHORITY


The Commission has the legal authority to grant the relief requested by the Applicant pursuant to 47 U.S.C. §214(e)(2); 47 C.F.R. § 54.201.

RELIEF REQUESTED

For the reasons set forth above, and pursuant to Section 214(e)(2) of the Act, Cricket requests that the Commission enter an Order amending Cricket's designation as an ETC to include the additional areas identified in Exhibit A. Cricket respectfully asks that the Commission enter said Order at the earliest possible date.

Dated this 18th day of July, 2012.

Respectfully submitted,
CRICKET COMMUNICATIONS, INC.

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Attorneys for Cricket Communications, Inc.

Exhibit A

Proposed designated rural and non-rural ILEC service areas (new and existing)

Wire Center (CLLI)*	Name	Operating Company	OCN Category	New?
HMDLIDXC	HOMEDALE	CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	ILEC	NEW
MRNGIDXC	MARSING	CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	ILEC	NEW
PARMIDXC	PARMA	CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	ILEC	
SWETIDXC	SWEET	CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	ILEC	NEW
WLDRIDXC	WILDER	CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	ILEC	NEW
FRLDIDXX	FRUITLAND	FARMERS MUTUAL TELEPHONE CO.	ILEC	NEW
NUARIDXC	NU ACRES	FARMERS MUTUAL TELEPHONE CO.	ILEC	
BYVWIDXX	BAYVIEW	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	ILEC	
CRALIDXX	COEUR D'ALENE	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	ILEC	
HYLKIDXX	HAYDEN LAKE	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	ILEC	
PSFLIDXX	POST FALLS	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	ILEC	
RTHDIDXX	RATHDRUM	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	ILEC	
SPLKIDXX	SPIRIT LAKE	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	ILEC	
BOISIDMA	BOISE	QWEST CORPORATION	RBOC	
BOISIDNW	BOISE	QWEST CORPORATION	RBOC	
BOISIDSW	BOISE	QWEST CORPORATION	RBOC	
BOISIDWE	BOISE	QWEST CORPORATION	RBOC	
CLWLIDMA	CALDWELL	QWEST CORPORATION	RBOC	
EAGLIDNM	BOISE	QWEST CORPORATION	RBOC	
EMMTIDMA	EMMETT	QWEST CORPORATION	RBOC	
KUNAIIDMA	BOISE	QWEST CORPORATION	RBOC	
MDTNIDMA	BOISE	QWEST CORPORATION	RBOC	
MELBIDMA	MELBA	QWEST CORPORATION	RBOC	NEW
MRDNIDMA	BOISE	QWEST CORPORATION	RBOC	
NMPAIDMA	NAMPA	QWEST CORPORATION	RBOC	
NPMOIDMA	NEW PLYMOUTH	QWEST CORPORATION	RBOC	NEW
PYTTIDMA	PAYETTE	QWEST CORPORATION	RBOC	NEW
STARIDNM	BOISE	QWEST CORPORATION	RBOC	
WESRIDMA	WEISER	QWEST CORPORATION	RBOC	NEW
GLFYIDCO	BOISE RIVER	RURAL TELEPHONE CO.	ILEC	NEW

* Each wire center is included in its entirety.

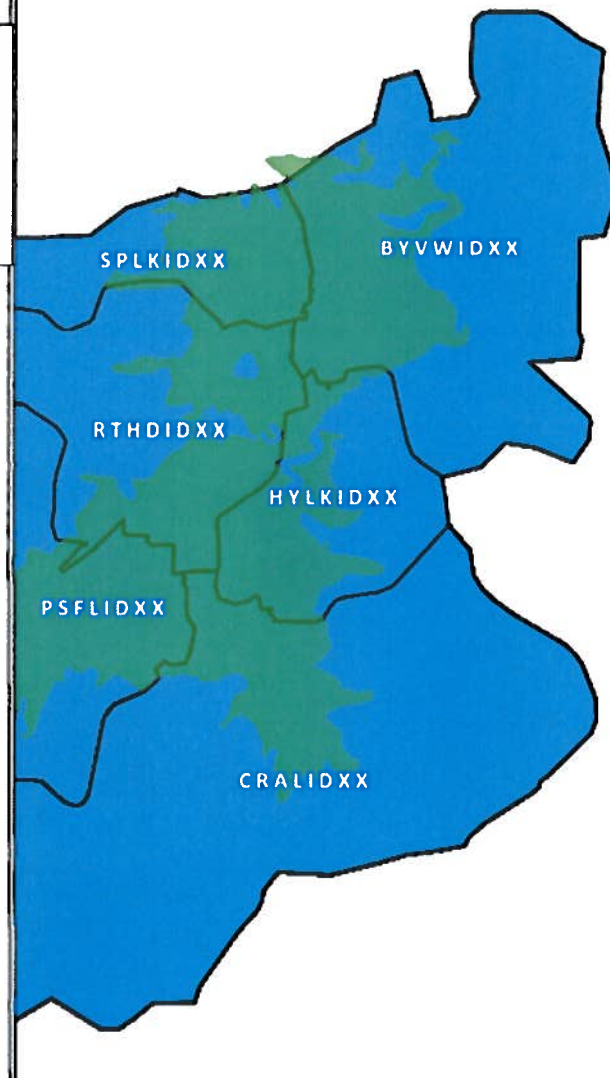
Exhibit B
Map Showing Cricket's Signal Coverage in Amended Designation Area

Idaho Vendors

Displaying OCN & CLLI

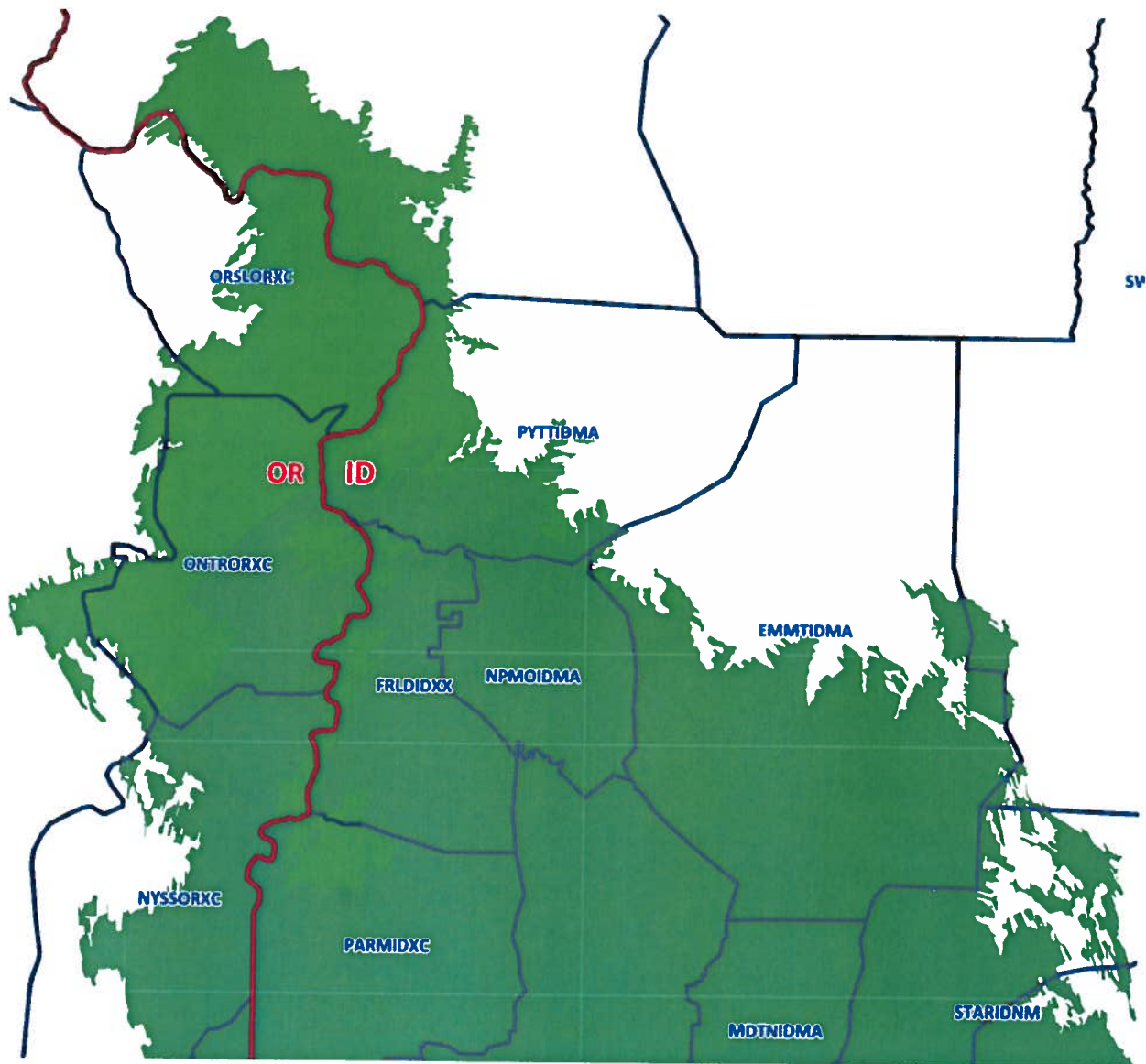
-  CITIZENSTELECOM IDAHO-FRONTIER COMM OF IDAHO
-  FARMERS MUTUAL TELEPHONE CO.
-  FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID
-  QWEST CORPORATION

WA



ID

**APPL. OF CRICKET COMMUNICATIONS, INC. TO AMEND ITS ETC DESIGNATION
EXHIBIT B, PAGE 2**



**APPL. OF CRICKET COMMUNICATIONS, INC. TO AMEND ITS ETC DESIGNATION
EXHIBIT B, PAGE 3**

Exhibit C
Cricket calling plan information

	Cricket Wireless						
	\$35	\$45	\$55			\$65	
	Basic	Value	Mexico	Muve Feature	Smart	Global	Muve Smart
Rate Plan Includes							
Calling							
unlimited nationwide local calling	x	x	x	x	x	x	x
unlimited nationwide US long distance*	x	x	x	x	x	x	x
caller ID	x	x	x	x	x	x	x
voicemail	x	x	x	x	x	x	x
call waiting & 3-way calling	\$5	x	x	x	x	x	x
call forwarding	N/A	x	x	x	x	x	x
Messaging							
unlimited US text	x	x	x	x	x	x	x
unlimited US picture	-	x	x	x	x	x	x
unlimited US video	-	x	x	x	x	x	x
unlimited int'l text	-	x	x	x	x	x	x
unlimited int'l picture	-	x	x	x	x	x	x
unlimited int'l video	-	x	x	x	x	x	x
unlimited global messaging (includes all the above)	\$5	x	x	x	x	x	x
More Features							
mobile web	\$5	x	x	x	x	x	x
data backup & 411	\$5	x	x	x	x	x	x
Muve Music	N/A	N/A	N/A	x	N/A	N/A	x
Mexico landline (included minutes)	-	-	500	-	-	-	-
Mexico mobile (included minutes)	-	-	30	-	-	-	-
Mexico local number	\$5	\$5	x	\$5	\$5	\$5	\$5
int'l landline (included minutes)	-	-	-	-	-	500	-
int'l mobile (included minutes)	-	-	-	-	-	30	-
global local number	\$5	\$5	\$5	\$5	\$5	x	\$5
unlimited international long distance	\$10	\$10	\$10	\$10	\$10	\$10	\$10
roaming (30 minutes)	\$5	\$5	\$5	\$5	\$5	\$5	\$5
Cricket navigator	\$5	\$5	\$5	N/A	N/A	\$5	N/A
handset protection	\$5	\$5	\$5	\$5	\$5	\$5	\$5

* Unlimited US long distance includes calling to all 50 states, Puerto Rico, and Canada

APPL. OF CRICKET COMMUNICATIONS, INC. TO AMEND ITS ETC DESIGNATION EXHIBIT C, PAGE 2

NATIONWIDE

cricket
your call

INTRODUCING

BASIC	VALUE	SMART	INTERNATIONAL		MOVE MUSIC™		DATA
\$35 /mo ENTRY PHONE	\$45 /mo FEATURE PHONE	\$55 /mo SMARTPHONE	\$55 /mo MEXICO	\$65 /mo GLOBAL	\$55 /mo FEATURE PHONE	\$65 /mo SMARTPHONE	\$45 /mo SMARTPHONE
UNLIMITED: TALK & TEXT + LONG DISTANCE + VOICEMAIL + CALLER ID	ADD: UNLIMITED 3G MOBILE DATA + PICTURE & VIDEO MESSAGING + 3-WAY CALLING + DATA BACKUP	UPGRADE TO: APPS + FULL WEB BROWSING + MOBILE EMAIL	STAY IN TOUCH WITH FAMILY ABROAD MEXICO OR GLOBAL LOCAL NUMBER + MEXICO OR INTERNATIONAL LANDLINE (500 MIN)* + MEXICO OR INTERNATIONAL MOBILE (30 MIN)* + GLOBAL MESSAGING		CHOOSE UNLIMITED MUSIC: UNLIMITED SONG DOWNLOADS RINGTONES & RINGBACK TONES + TALK, TEXT & 3G MOBILE DATA		IDEAL FOR: EMAIL + WEB BROWSING + ONLINE GAMING + VIDEO

NO CONTRACTS [SEE MYCRICKET GUIDE FOR MORE INFORMATION](#) NO HIDDEN FEES

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APPL. OF CRICKET COMMUNICATIONS, INC. TO AMEND ITS ETC DESIGNATION EXHIBIT C, PAGE 3